



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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**COPY**

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Preauthorization of the Defendants at the Colbert Landfill Site to Submit Claims Against the Hazardous Substances Superfund

FROM: Paul F. Nadeau, Acting Director  
Hazardous Site Control Division

Lloyd S. Guerci, Director  
CERCLA Enforcement Division

SEP 21 1988

Superfund Branch

TO: Henry L. Longest II, Director  
Office of Emergency and Remedial Response

PURPOSE

The purpose of this memorandum is to recommend that the Director of the Office of Emergency and Remedial Response preauthorize Spokane County, Washington, a defendant at the Colbert Landfill site, to submit a claim against the Superfund, and to transmit the attached Preauthorization Decision Document and Miscellaneous Obligation Document for signature.

BACKGROUND

Section 111(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq., (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) authorizes the use of Superfund monies for the payment of claims for response costs. Section 122(b) of CERCLA authorizes agreements between the President and potentially responsible parties which provide for the reimbursement of certain costs of response actions (i.e., "mixed funding"). Executive Order 12580 delegates to the Administrator of the Environmental Protection Agency the responsibility for claims against the Superfund. The Administrator delegated that authority to the Assistant Administrator for Solid Waste and Emergency Response (EPA Delegation 14-9 "Claims Asserted Against the Fund," September 13, 1987), who redelegated it to the Director of the Office of Emergency and Remedial Response (OERR) (EPA Redelegation 14-9 "Claims Asserted Against the Fund," May 25, 1988).

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In May 1988, EPA and a group of potentially responsible parties (PRPs) reached an agreement in principle which provided that Spokane County would carry out the remedy selected by EPA, and that EPA would reimburse the County for a portion of its costs of implementing the remedy. The Consent Decree which will be sent to the Settling Defendants for signature provides that the Superfund will reimburse the parties to the agreement for an amount not to exceed the lesser of \$1,400,000, or 11.5 percent of reasonable and necessary costs incurred in implementing the site remedy, unless the maximum dollar amount is subsequently revised by EPA.

### FINDINGS

Spokane County has satisfied, in compliance with the relevant section of the National Contingency Plan and guidance issued by EPA, the requirements for preauthorization. The terms and conditions contained in the Preauthorization Decision Document and Miscellaneous Obligation Document are consistent with the requirements for adequate management of the Superfund.

Preauthorization is appropriate at the Colbert Landfill site in order to expedite site cleanup. The attached Preauthorization Decision Document is consistent with the Interim CERCLA Settlement Policy and the Consent Decree.

### RECOMMENDATION

We recommend that you sign the attached Preauthorization Decision Document authorizing Spokane County to submit claims against the Fund and forward the Miscellaneous Obligation Document, which will set aside funds sufficient to satisfy such claims, to the Deputy Assistant Administrator for Solid Waste and Emergency Response for his approval.

Attachments

Concurrences:

Reg X							
Name	<i>W. Thompson</i>	<i>R. G. G.</i>	<i>Ch...</i>	<i>P. M. Williams</i>			
Date	<i>9/21/88</i>	<i>9/23/88</i>	<i>9/23/88</i>	<i>9/26/88</i>			
OGC							
Name							
Date							
OECM							
Name							
Date							
OWPE							
Name							
Date							